

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

THOMAS EDWARD KOTewa	)	
	)	
Petitioner,	)	
v.	)	3:10-cv-006
	)	<i>Phillips</i>
	)	
JOSEPH EASTERLING, Warden,	)	
	)	
<i>Respondent.</i>	)	

**JUDGMENT ORDER**

In accordance with the accompanying Memorandum, the petitioner's motion to file an amended habeas petition and the motion to hold the petition in abeyance are **DENIED**, the respondent's motion for summary judgment is **GRANTED**, the petition for the writ of habeas corpus is **DENIED**, and this action is **DISMISSED**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is hereby **DENIED**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. The court further **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal.

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge

ENTERED AS A JUDGMENT  
s/ Patricia L. McNutt  
CLERK OF COURT